

Applicant and Student Criminal
Convictions Policy

**Responsibility for Policy:** Registrar and Chief Operating Officer

**Relevant to:** All LJMU applicants, staff and students except those applying for or studying at an Academic Partner

**Approved by:** Academic Board

**Responsibility for Document Review:** Stuart Borthwick, Student Governance

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This Policy may be updated in response to changes in Statutory Legislation or Professional Body Guidelines prior to this date.

**RELEVANT DOCUMENTS**

* Rehabilitation of Offenders Act (1974), Police Act (1997), Safeguarding Vulnerable Groups Act (2006) and Protection of Freedoms Act (2012).
* Professional body requirements.

**RELATED POLICIES & DOCUMENTS**

* Programme Guides
* LJMU Code of Practice for Admissions
* Student Code of Behaviour and Student Disciplinary Procedures
* Fitness to Practise Policy

# Introduction

* 1. Liverpool John Moores University is committed to providing and maintaining an atmosphere that is conducive to the academic and social wellbeing of the university community.
	2. The university has a duty of care to staff, students, visitors and clients. In order to discharge this duty, it is incumbent upon the university to consider the impact of any criminal convictions and police investigations.
	3. The university acknowledges that some applicants may have criminal conviction(s) or be subject to a police investigation prior to making an application to the university. Equally students may be subject to a criminal investigation, charged with an offence or convicted of a criminal offence during their time at the university.
	4. This policy considers all applicants and students on all programmes delivered by the University, including those on taught programmes and research degrees.
	5. The LJMU Applicant and Student Criminal Convictions Policy and process operates in accordance with relevant statutory legislation and professional body and regulatory requirements.

# General principles

* 1. There is a requirement for all students to declare police investigations and relevant criminal convictions to the university prior to and throughout the duration of their course. This requirement also applies to all applicants who have received and accepted a formal offer of a place from the university via the application process and the university is now a ‘firm’ choice.

\*Firm as defined by UCAS *‘this is your first choice – the place you most want to go to. IF you accept a conditional offer and meet the conditions, you’ll have a*

*confirmed place here’. For more information on UCAS terms please follow the link below.*

<https://www.ucas.com/connect/blogs/replying-offers-%E2%80%93-your-questions-> [answered](https://www.ucas.com/connect/blogs/replying-offers-%E2%80%93-your-questions-answered)

* 1. LJMU defines unspent convictions in line with the Rehabilitation of Offenders Act 1974 (ROA) [Appendix 2.](#_bookmark2)
	2. Applicants and students are not required to declare driving offences that do not result in a custodial sentence unless the offence involved death or serious injury.
	3. Professional programmes are exempt from the ROA ([Appendix 2)](#_bookmark2) and require full disclosure of all convictions, police investigations, cautions and reprimands at the point of application.
	4. All information provided as part of this process will be considered objectively assessing any risk to LJMU staff, students, visitors and clients.
	5. Information provided will be treated as ‘sensitive, confidential data’ in line with the university’s [Data Protection Policy](https://www.ljmu.ac.uk/about-us/data-protection/data-protection-policy), the [Student Governance Privacy Notice](https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice) and the General Data Protection Regulations.

# Disclosing conviction(s) Applicants

* 1. The university requires applicants to declare all relevant criminal convictions and conditional cautions, and any ongoing police investigations or criminal charges. Irrespective of the route of application, the application form requests disclosure of all police investigations and all relevant criminal convictions.
	2. The University can withdraw an application if an applicant is under investigation but has not yet been charged.
	3. Applicants on non-professional programmes do not need to declare spent convictions or simple cautions, reprimands, or final warnings. [Appendix 2](#_bookmark2) refers.
	4. If an applicant is convicted of a criminal offence after submission of their declaration, they must inform the university at the earliest opportunity.
	5. Applications to non-professional programmes at LJMU are considered according to the established admissions procedures. Once an applicant to a non-professional programme accepts or ‘firms’ their offer, they are required to complete an online criminal conviction declaration. Failure to complete the process may delay enrolment onto a programme. Applicants applying to professional programmes are required to declare any convictions on their application form.

# Current students

* 1. Students are required to inform the university of any conditional cautions, criminal convictions, pending charges or ongoing police investigations during their time as students of the university.
	2. Students on non-professional programmes do not need to declare spent convictions or simple cautions, reprimands, or final warnings. [Appendix 2](https://www.ljmu.ac.uk/about-us/data-protection/data-protection-policy) refers.
	3. Students are advised to contact Student Governance to confirm the details of convictions, charges, and investigations.

# Other disclosures

* 1. The university may become aware or may be notified that a student or applicant has a relevant criminal conviction, caution, ongoing police investigation, charges or criminal proceedings. Such disclosures may come from external parties, media, incident reports and the Police.
	2. Where relevant and in the interests of public safety or safeguarding, the Police may disclose to the university relevant criminal convictions, cautions, pending police investigations, charges or proceedings.
	3. The university reserves the right to consider such disclosures, request further information from students and applicants, and use the information provided to consider if the disclosure is required to be considered under this procedure or any other university procedure (such as the Student Code of Behaviour and Student Disciplinary Procedures or Fitness to Practise Policy)

# Failure to disclose

* 1. If a person applying for a programme fails to declare a relevant conviction(s), or police investigation, the application may be considered to be fraudulent. Where appropriate, as well as taking internal action, the university will normally report such activity to the relevant external admissions body, who may take the matter forward under their procedures. Applications may be rejected for failure to disclose or partial disclosure.
	2. Students who fail to declare a relevant criminal conviction(s) or ongoing police investigation may be subject to disciplinary proceedings and ultimately may be expelled from the university.

# General programmes

* 1. For general programmes and modules, university applicants and students must disclose unspent convictions, as defined by the ROA. See [Appendix 2.](#_bookmark2)
	2. If the programme or module requires contact with children or vulnerable adults, then applicants and students are required to declare **ALL** unprotected convictions and cautions, and a disclosure may be required from the Disclosure and Barring Service (DBS) and will considered at the relevant Panel ([Appendix 3).](#_bookmark3)
	3. Advice can be obtained from Student Governance, the admissions team and from the Programme Leader.
	4. A number of programmes, whilst they may not be exempt from the ROA or require a DBS Disclosure, they may be subject to external validating agency admissions policies in relation to accepting applicants with criminal conviction(s).
	5. The successful completion of some programmes may lead to an application for registration with a professional body. Applicants and students applying for such programmes are advised to seek advice from such professional bodies regarding the impact of criminal conviction(s) on their chosen career.
	6. Students and applicants should be aware that if accepted onto certain programmes they may also be required to declare all convictions on any application for registration with a professional body. While the university may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not guarantee that the student will be able to practise or take up a related profession.

 **Professional programmes**

* 1. Professional programmes are exempt from the Rehabilitation of Offenders Act and therefore convictions can never be classed as ‘spent’. Applicants and students for these programmes are required to provide details of **ALL** unprotected convictions and cautions [(see](#_bookmark2) [Appendix 2),](#_bookmark2) as well as any pending police investigations or proceedings.
	2. Application to study on some professional programmes or modules may require applicants and students to undertake a DBS disclosure. [Appendix 3.](#_bookmark3)
	3. Such programmes would include teaching, health, social work, pharmacy or courses involving work or regulated activity with children or vulnerable adults.
	4. Professional programmes may also require all students to declare annually that no further or new convictions have been obtained.
	5. Applicants may be accepted onto a programme of study, subject to satisfactory police checks. Students will not be allowed to commence placements until a satisfactory DBS is received.
	6. Students can be suspended, discontinued or expelled from the placement and/or programme at any time if DBS disclosures are unsatisfactory.
	7. Professional programmes are subject to suitability requirements and recommendations from professional bodies such as the Genera Teaching Council (GTC), Nursing and Midwifery Council (NMC), Healthcare Professionals Council (HPC), Social Work England, General Pharmaceutical Council (GPhC), as well as any other relevant Professional and/or Statutory Body Requirements.
	8. Students and applicants should be aware that in the context of safeguarding, relevant information may be disclosed to the placement provider.
	9. Students and applicants should be aware that if accepted onto the programme they are also required to declare all convictions on any application for registration to the professional body.
	10. Advice can be obtained from the Admissions team and from the Programme Leader.

# Procedure following the disclosure of criminal conviction(s) or police investigation/criminal proceedings

* 1. Upon receipt of a criminal conviction disclosure, or a notification that a student is subject to police investigation or criminal proceedings, the Student Governance office will liaise with appropriate staff to determine if any immediate action needs to be taken. This may include:
		+ Assessing if there are any immediate risks to staff, students, clients and visitors.
		+ Interim precautionary action may be taken, including suspension of a student from placement and/or university pending the outcome of Police investigations or the outcome of a Criminal Convictions Panel (See [Appendix 1)](#_bookmark1)
		+ Referring students to appropriate support services ([See Appendix 1).](#_bookmark1)
		+ Requesting additional information from the student/applicant.
		+ If appropriate the case will be referred to the [Fitness to Practise](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) Panel for consideration.
		+ Referring the case to the relevant Criminal Convictions Panel (CCP).
		+ Referring the case to the [Student Code of Behaviour and Student Disciplinary](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [Procedures](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process).
		+ Recommending to the Vice Chancellor that a student who is in custody be excluded or expelled from the University.
	2. Applicants are normally required to respond to the request for further information **within 20 working days**. If no response is received, then the application maybe withdrawn.
	3. Students who fail to respond to requests for information regarding disclosed convictions may be suspended (See [Appendix 1),](#_bookmark1) and will be unable to resume their studies until the information is received and considered by the appropriate Criminal Convictions Panel.

# Stage One: Criminal Convictions Panel (CCP)

* 1. All conviction(s) will be considered by the appropriate CCP, taking into account the individual circumstances of the case, in view of current practise and the university’s duty-of-care to staff, students, visitors and clients. The Faculty of Health, Faculty of Science and School of Education have a sub-panel of the Criminal Convictions Panel at which applicants and students on professional programmes are considered (see Appendices)
	2. Students and applicants will be given the opportunity to provide written representation to the Panel. All information provided to the Panel will be considered as confidential and sensitive data.
	3. The Panel will consider all information provided and will assess whether the declared conviction(s) poses any risk to university staff, students, visitors and clients.
	4. The Panel will consider if the conviction impacts on the programme of study. This includes consideration of any relevant professional Codes of Practice and/or government legislation.
	5. The Panel may:
		+ Seek advice from professional/academic members of staff or external representatives to assess any implications on the programme, placement or future career.
		+ Request additional information.
		+ Defer consideration of a decision where there is a pending charge or ongoing investigation.
		+ Refer the case for consideration under the [Student Code of Behaviour and](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [Student Disciplinary Procedure](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)s, [Fitness to Practise Policy](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) or any other university policy or procedure.
	6. After consideration of the disclosed conviction(s) the relevant CCP may make the following recommendations:

# Applicants

* + - Reject the application.
		- Recommend that the applicant is advised to consider an alternative programme of study.
		- Recommend the application is accepted, subject to satisfactory police checks (such as Enhanced DBS Disclosure).
		- Recommend the application is accepted.

# Students

* + - No further action is required, and the student is allowed to continue on the programme.
		- Recommend to the Vice-Chancellor that the student be excluded from the programme for a defined period.
		- Recommend to the Vice-Chancellor that the student is expelled from the programme and/or the university.
		- Recommend that the student is advised to consider an alternative programme of study.
		- Recommend that the student is referred to other university procedures such as [LJMU Student Code of Behaviour and Student Disciplinary Procedure](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)s, [Fitness](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [to Practise Policy or Fitness to Study](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) procedures.
	1. Notes of the decisions will be taken and made available upon request to the individual concerned. Verbatim minutes will not be recorded.
	2. The decision of the CCP will be notified to the applicant or student in writing and the applicant or student will be advised of the appeals process, as outlined in [Section 6.](#_bookmark0)
	3. If the CCP recommend exclusion for a defined period of time or permanent expulsion from the programme or the university this will be referred to the Vice-Chancellor (or nominee) via the Student Governance office for approval. The Vice-Chancellor reserves the right to determine whether the student should be conferred with an academic award.
	4. The decision of the Vice-Chancellor will be notified to the Panel and to the student. Students will be advised about the appropriate appeals procedure: Appeal against Expulsion [https://www.ljmu.ac.uk/about-us/public-](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals) [information/student-regulations/student-appeals](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals)
	5. If the Panel recommends exclusion or expulsion from the programme or the university this will be referred to the Vice-Chancellor (or nominee) via the office of Student Governance for consideration.
	6. Where a student is expelled from the university and excluded from regulated activity and where there are concerns that the person has caused harm, or poses a future risk of harm to vulnerable groups, including children, the university has a legal obligation to make a referral to the DBS. <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

# Stage Two appeal: The Criminal Convictions Appeals Panel (CCAP) Appeal other than against expulsion

* 1. If the applicant or student is dissatisfied with the outcome and considers that the decision of the panel is unreasonable or the procedures have not been followed correctly, they may appeal against the decision to the Criminal Convictions Appeals Panel (CCAP). Disagreement with the decision of the Panel is not in itself sufficient grounds for appeal.
	2. The applicant or student must write to Student Governance within **10 working days**

of receiving the written decision of the Criminal Convictions Panel. A full statement

detailing the reasons for the appeal and supporting evidence must be provided. Appeals will not be accepted if they are submitted outside of the deadlines or if the appeal contains no reference to the grounds for appeal stated in 6.1.

* 1. The CCAP will consider the information provided by the applicant or student, the decision and documents of the original CCP and the stage two appeal submission from the applicant/student. New information will not normally be permitted at this stage.
	2. The CCAP will consider whether the decision was reasonable in the circumstances of the case and if the procedure was followed correctly.
	3. The Criminal Convictions Appeals Panel may:
		+ Amend the decision of the original CCP.
		+ Uphold the decision of the original CCP.
		+ Refer the case back to the CCP for reconsideration.
		+ Defer the decision pending further information.
		+ Reject the appeal.
	4. The decision and any recommendations or advice of the CCAP will be notified to the student or applicant and to the Admissions Manager or relevant faculty.

# Appeals against expulsion

* 1. The decision to exclude or expel a student will be confirmed by the Vice-Chancellor and will be notified to the Panel and to the student.
	2. Students will be advised about the appropriate appeals procedure. Appeal against Expulsion [https://www.ljmu.ac.uk/about-us/public-information/student-](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals) [regulations/student-appeals](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-appeals)

# Completion of procedures and the Office of the Independent Adjudicator (OIA)

* 1. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Liverpool John Moores University is a member of this scheme. If a student is unhappy with the outcome they may be able to ask the OIA to review their complaint. Students can find more information about making a complaint to the OIA, what it can and can’t look at and what it can do to put things right if something has gone wrong at https://[www.oiahe.org.uk/students**.**](http://www.oiahe.org.uk/students)

A student normally needs to have completed the Applicant and Student Criminal Convictions procedure (including the appeals procedure) before they can complain to the OIA. Liverpool John Moores University will send a student a letter called a “Completion of Procedures Letter” when they have reached the end of university processes and there are no further steps the student can take internally. If the student’s appeal is not upheld, Liverpool John Moores University will issue the student with a Completion of Procedures Letter automatically. If the appeal is upheld or partly upheld the student can ask for a Completion of Procedures Letter if they want one.

Students can find more information about Completion of Procedures Letters and when they should expect to receive one at https://[www.oiahe.org.uk/providers/completion-of-procedures-letters](http://www.oiahe.org.uk/providers/completion-of-procedures-letters)

**8. Amendments and review of policy and process**

8.1 The university reserves the right to amend and review the LJMU Applicant and Criminal Convictions Policy in the light of operating experience and/or prevailing circumstances such as government legislation or changes to professional body requirements.

# Further information

9.1 Further information on the LJMU Criminal Convictions Policy and other Student Policies can be obtained by contacting: LJMU Student Governance atExchange Station, Tithebarn Street, Liverpool, L2 2QP Email: StudentGovernance@ljmu.ac.uk

* 1. Students can obtain professional and independent advice from a qualified adviser at John Moores Students’ Union Advice Centre, telephone number 0151 231 4900 or email JMSUadvice@ljmu.ac.uk Further information is available on the John Moores Students’ Union webpages at <https://www.jmsu.co.uk/advice>

# LJMU Criminal Convictions Policy Appendices

# Appendix 1 Precautionary measures and suspension

# Appendix 2 Guidance notes for students – Rehabilitation of Offenders Act 1974

# Appendix 3 Guidance notes – Disclosure and Barring Service (DBS)

# Appendix 4 Criminal Convictions Panel membership and terms of reference

# Appendix 5 Faculty of Health Criminal Convictions Panel membership and terms of reference.

# Appendix 6 Faculty of Science Criminal Convictions Panel terms of reference

# Appendix 7 School of Education Criminal Convictions Panel terms of reference

# Appendix 8 Professional Body suitability requirements and recommendations

**Appendix 1: Precautionary measures and suspension**

Upon receipt of a criminal conviction disclosure or notification that a student is subject to police investigation and/or criminal proceedings, Student Governance and/or appropriate contact in the faculty will liaise with appropriate staff to determine if any immediate action needs to be taken. Any such action is not a penalty or sanction and does not indicate that the university has concluded that the accused student has committed a breach of the Student Code of Behaviour or a criminal offence.

Precautionary measures may be necessary in order to:

* Ensure that a full and proper investigation can be carried out (either by the police or the university).
* To protect all parties whilst the allegation is being dealt with as part of a criminal process or university process.

Precautionary action can include one or more of the following:

(The following list is not exhaustive as precautionary measures are dependent on the circumstances of the case):

* + - Support arrangements for example referral to Student Advice and Wellbeing, academic adjustments and support, referral to the university Police Officer, notification of incident to security etc.
		- Conditions and undertakings, for example agreement to not contact or communicate with another person.
		- Prohibited from specified university activities and/or removal of access from specified university premises or computer systems.
		- Suspension from the university. This can be a full suspension which prohibits the student from engaging in any activity of the university and registration is on hold, or a partial suspension where a student will be prohibited from entering university premises. Some suspended students will be provided with an academic contact and may be allowed to take part in online classes and submit or take part in assessments.

A failure to comply with specified precautionary measures will be considered by the university as a discipline offence

[https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process) [process](https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process)

# Suspension of a student

Under the university's Articles of Government, the Vice-Chancellor is responsible for the maintenance of student discipline and for the suspension or expulsion of students. The Vice- Chancellor delegates responsibility to Academic Registrar who may nominate others to act.

A student who is the subject to criminal proceedings, may be suspended from the university pending further investigation, consideration at a Criminal Convictions Panel and/or the conclusion of criminal proceedings.

Suspension will be used where it is considered essential to do so and to allow time to ensure a full and appropriate investigation of the matter. Suspension may also be used where there are concerns with respect to the safety and welfare of members of the university community, including the student who is the subject of the allegation(s).

Suspension means withdrawal of a student's rights of access to specified university premises and/or participation in specified university activities, including placements.

Suspension may be subject to conditions, such as permission to enter certain university buildings at specified times or to take an examination or submit coursework and may include a requirement that the student should have no contact of any kind with a named person or persons.

Where possible and subject to the safety and welfare of students and staff, arrangements will be made to minimise the disruption to a student's programme of study, for example arrangements may be made to allow a suspended student to complete outstanding academic work and sit examinations.

A formal notification of suspension and any terms and conditions will be given in writing to the student.

Where a decision is made to suspend a student as a precautionary measure the student can:

* **Make representations** before the decision is made or as soon as possible thereafter. Where possible they will normally be invited to a meeting.
* **Request a review** at any stage if there is any **material change** in the circumstances of the case. Students should contact Student Governance to request a review.

The university will reassess the decision to suspend a student or any other precautionary measures at regular intervals and where there is a material change in the circumstances.

# Appendix 2: Guidance notes for students - Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become ‘spent’ or ignored after a specified rehabilitation period. After this period, with certain exceptions, an ex- offender is not normally obliged to disclose their conviction.

Students are not obliged to disclose spent convictions if they are applying for or attend programmes that are not professionally validated programmes or do not require a DBS disclosure.

# Exceptions: Professional programmes

There are a number of programmes which the university define as ‘exempt from the Rehabilitation of Offenders Act’. This means that applicants and students are required to declare **ALL** unprotected convictions, cautions, reprimands and cases pending. Such programmes include teaching, nursing and pharmacy programmes, and those where students

will work with children or vulnerable adults. Students applying for these courses are required to complete a DBS enhanced disclosure.

Please note that some modules or some work placements on non-professional programmes may require students to complete a DBS disclosure. **An enhanced DBS disclosure will detail all unprotected cautions and convictions, whether they are spent or not (see Appendix 2).**

Applicants and students should refer to Government Guidance on the Rehabilitation of Offenders Act 1974, which is available at [https://www.gov.uk/government/publications/new-](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974) [guidance-on-the-rehabilitation-of-offenders-act-1974](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974) for detailed information on rehabilitation periods, exceptions and DBS Disclosures.

# Rehabilitation periods: How long it will take before the caution or conviction becomes spent.

Please note that this is intended as general guidance for applicants and students and refers to the Government’s guidance at [https://www.gov.uk/government/publications/new-guidance-on-](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974) [the-rehabilitation-of-offenders-act-1974](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974)

The rehabilitation period is the period which is defined in the Act and specifies the amount of time which must pass before an offence can be classed as ‘spent’. The length of the

rehabilitation period depends on the type of disposal administered or the length of the sentence imposed and the age of the person when convicted.

Where a court imposes more than one sentence or penalty for the offence then the longest rehabilitation period determines when the conviction may become spent.

Once a conviction becomes spent it remains spent, even if a person is convicted of other offences later. However, if a person gets another caution or conviction before the first conviction becomes spent then this may impact of the rehabilitation periods. For further information, please see [https://www.gov.uk/government/publications/new-guidance-on-the-](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974) [rehabilitation-of-offenders-act-1974](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974)

LJMU includes the following as unspent convictions, but these are to be regarded as examples and this list is not exhaustive:

* Any offence resulting in harm to another person, irrespective of the nature of that harm.
* Offences involving threatening behaviour, including (but not limited to) harassment or stalking.
* Offences involving the use of any violence, force or public disorder.
* Offences involving firearms or possession of offensive/dangerous weapons.
* Offences of a sexual nature, including (but not limited to) offences listed in the Sexual Offences Act 2003.
* Unlawful possession or supply of controlled drugs or substances.
* Offences involving criminal damage or arson.
* Offences against property, including those listed under the Theft Act or Fraud Act
* Terrorism offences.

If an applicant or student is unsure whether a conviction that they hold is unspent, it is the applicant’s or student’s responsibility to check by contacting Student Governance at StudentGovernance@ljmu.ac.uk

# Appendix 3: Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

The DBS is responsible for:

* processing requests for criminal records checks.
* Maintaining adults’ and children’s Barred Lists.
* Making considered decisions as to whether an individual should be included on one or

both of these lists and barred from engaging in regulated activity.

Detailed information on the DBS Service and DBS checks is available at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Application to study on some professional programmes or modules may require applicants and students to undertake a Disclosure and Barring Service criminal record check (DBS check).

Professional courses or modules which are exempt from the ROA ([Appendix 2)](#_bookmark2) will require applicants and students to obtain an Enhanced DBS check. This would be considered by the relevant Criminal Convictions Panel. Enhanced DBS Checks are required for all who work with children and vulnerable adults.

The level of disclosure required for the programme or module will be clearly stated in the LJMU programme literature.

A charge may be made to applicants and students for obtaining a DBS disclosure.

The processing of any required DBS disclosures is normally completed within the local faculty. For further information about the processing of DBS Disclosures please contact the Programme Leader and/or school office.

Applicants and students will be issued with a DBS certificate directly from the DBS and will be required to provide this to LJMU. Applicants and students can also register to the (DBS) update service, which lets applicants keep their DBS certificates up to date online and allows employers to check a certificate online.

Applicants from overseas or applicants whose five-year address history contains non-UK addresses may also have to apply to their country of origin for criminal convictions disclosure as well as to the DBS. The DBS cannot currently access overseas criminal records or other relevant information as part of its disclosure service. Obtaining criminal convictions disclosures from overseas agencies may involve an additional financial cost and may increase the length of time taken for the information to be returned.

# DBS Referrals

In certain circumstances, the university will be required to make referrals to the DBS when there are concerns that a person has caused harm or poses a future risk of harm to vulnerable groups, including children.

# Appendix 4: University Criminal Convictions Panel (CCP) and Criminal Convictions Appeals Panel (CCAP)

# Terms of reference

The remit of the panel is to assess criminal convictions declared by applicants and students for all non-professional programmes in the University in consideration of relevant government legislation.

Panel membership (Criminal Convictions Panel and Criminal Convictions Appeals Panel):

* A chair, normally drawn from the senior management of the university or relevant experienced staff
* Two members of academic staff from each faculty
* At least two members of academic staff drawn from other areas of the university
* At least two members of staff from the admissions department
* Any relevant external stakeholder or professional representative

Panel quorum:

* The chair
* At least one member of academic staff
* One other member of the panel

(Where relevant this may be an external stakeholder or professional representative)

The panel (s) will normally be chaired by a member of the university management or relevant experienced staff.

The panel will be advised on matters of procedure by a Student Governance Adviser. The panel will be facilitated by Student Governance.

The panel may request advice and attendance from appropriate members of LJMU staff and where applicable external representatives.

Where the panel are considering a declaration from an applicant or student on a professional programme, one member of the panel will be an external stakeholder or member of the relevant profession.

The university Criminal Convictions Panel and Criminal Convictions Appeals Panel will meet when required.

The chair will act as the final arbiter in the matter after considering the opinions of all panel members.

When the University Criminal Convictions Panel recommends to the Vice Chancellor that a student be expelled, they should also recommend whether this is with or without an award.

When considering an appeal, panel members who considered the conviction(s) under any university procedure will not be part of the decision of the Criminal Convictions Appeals Panel (CCAP).

# Appendix 5: Faculty of Health Criminal Convictions Panel

Terms of reference

The remit of the panel is to assess criminal convictions declared by applicants and students for all regulated programmes in the Faculty of Health in consideration of relevant government legislation and professional body suitability requirements.

Faculty of Health professional programmes (and other programmes where students are required to provide an enhanced DBS check as a condition of offer) are exempt from the Rehabilitation of Offenders Act and therefore all applicants and students are required to declare all unprotected criminal convictions (including spent convictions, cautions or formal reprimands). Applicants and students are also required to declare any pending charges, police investigations or criminal justice proceedings.

All applicants and students on these programmes are required to complete a DBS enhanced disclosure and should be advised that all unprotected convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn.

On programmes where students are likely to come into contact with children or vulnerable adults, all applicants and students are required to declare any criminal convictions.

Declarations of criminal convictions from applicants and students on non-professional programmes and where the programme does not involve contact with children or vulnerable adults are not considered at the Faculty of Health Criminal Convictions Panel but are considered at the University Criminal Convictions Panel.

Panel membership

* Chair – Director of School (or nominee).
* Secretary.
* Programme Leader.
* Teaching staff.
* Admissions representative.
* Representatives from external stakeholders (e.g., placement provider, NHS trust, NWAS, School partners, Social Services).
* Student Governance Adviser.

Quorum

* Chair.
* Secretary.
* 3 members of teaching staff (including one that is not directly connected to the student’s programme of study.
* 1 external representative.
* Student Governance Adviser.

Applicants and students on programmes exempt from the ROA are required to declare ALL unprotected criminal convictions.

The applicant will state on the application form if they have a criminal conviction(s).

The nature of the convictions will be investigated and if required a preliminary decision may be made by the Director of School. The decision and the appeals process will be communicated to the prospective student in writing.

Applicants may be accepted subject to satisfactory police checks and will not be allowed on placement until satisfactory police checks are received and considered.

During the decision-making process, the faculty’s Criminal Conviction Panel will refer to guidance and information including that is provided by the relevant regulatory or professional body.

When the Faculty of Health Criminal Convictions Panel recommends to the Vice Chancellor that a student be expelled, they should also recommend whether this is with or without an award.

Appeals against the decision to expel will be considered by the University Criminal Convictions Appeals Panel.

# Appendix 6: Faculty of Science Criminal Convictions Panel

Terms of reference

The remit of the panel is to assess criminal convictions declared by applicants and students for all professionally accredited programmes in the Faculty of Science in consideration of relevant government legislation and professional body suitability requirements.

Faculty of Science professional programmes (and other programmes where students are required to provide an enhanced DBS check as condition of offer) are exempt from the Rehabilitation of Offenders Act and therefore all applicants and students are required to declare all unprotected criminal convictions (including spent convictions, cautions or formal reprimands), prior to being offered a place on a university programme. Applicants and students are also required to declare any pending charges, police investigations or criminal justice proceedings.

All applicants and students on these programmes are required to complete a DBS enhanced disclosure and should be advised that all unprotected convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn.

On non-professional programmes where students are likely to come into contact with children or vulnerable adults, all applicants are required to declare any criminal convictions as part of the application process.

Declarations of criminal convictions from applicants and students on non-professional programmes and where the programme does not involve contact with children or vulnerable adults are not considered at the Faculty of Science Criminal Convictions Panel but are considered at the University Criminal Convictions Panel.

Membership:

* Chair – Director of School (or nominee).
* Secretary.
* Programme Leader.
* 4 members of teaching staff from each school
* 4 independent senior level practitioners who are external to the university and who have experience appropriate to the case.
* Student Governance Adviser.

Advisory group

The membership may be extended from time to time to include advisory members who have a vested interest in process and procedures:

* Skill Support Officers.
* CETL/Work Based Learning Administrators.
* Admissions and Recruitment Co-ordinators.
* Admissions and Information Officers.
* Programme Leaders.
* Assistant Academic Registrars.

Quorum

* Chair.
* Secretary.
* 3 members of teaching staff (including one that is not directly connected to the student’s programme of study). Where the applicant or student is a Pharmacy applicant or student, two members of teaching staff in attendance must be GPhC registered. Where an applicant or student is on another professional programme in the Faculty, at least one of the members of teaching staff must be registered with the HCPC)
* 1 representative external to the university. Where the applicant or student is a Pharmacy applicant or student, 1 external panel member must be GPhC registered. Where an applicant or student is on another professional programme in the Faculty, 1 external panel member must be registered with the HCPC).
* Student Governance Adviser.

Frequency

The panel will meet three times per year with additional meetings convened as necessary.

Applicants and students on programmes exempt from the ROA are required to declare ALL unprotected criminal convictions.

All students on professional programmes are required to complete an annual self-declaration confirming their status regarding their criminal record.

The applicant will state on the application form if they have a criminal conviction(s).

The nature of the convictions will be investigated and if required a preliminary decision may be made by the Director of School.

Applicants may be accepted subject to satisfactory police checks; however they will not be allowed on placement until satisfactory police checks are received and considered.

During the decision-making process, the School’s Criminal Conviction Panel will refer to guidance and information including that provided by the relevant regulatory or professional body.

When the Faculty of Science Criminal Convictions Panel recommends to the Vice Chancellor that a student be expelled, they should also recommend whether this is with or without an award.

Appeals against the decision to expel will be considered by the University Criminal Convictions Appeals Panel.

# Appendix 7: School of Education Criminal Convictions Panel

Terms of reference

The remit of the panel is to assess criminal convictions declared by applicants and students for all professional programmes in the School of Education including those regulated by the Department for Education in consideration of relevant government legislation and professional body suitability requirements. The panel also assesses criminal convictions declared by applicants and students on other programmes where students are likely to come into contact with children or vulnerable adults.

School of Education professional teacher-training programmes are exempt from the Rehabilitation of Offenders Act and therefore applicants/students are required to declare all unprotected criminal convictions (including spent convictions, cautions or formal reprimands), prior to being offered a place on a university programme. Applicants and students are also required to declare any pending police charges, investigations or proceedings.

On programmes where students are likely to come into contact with children or vulnerable adults, all applicants and students are required to declare any criminal convictions.

The School of Education accesses applicant and student DBS information directly and provides DBS data to placement schools. All applicants and students on these programmes are advised that all unprotected convictions will be identified and if they are found to have made a false declaration, the offer of a place may be withdrawn.

Declarations of criminal convictions from applicants and students on programmes not regulated by a professional body or the Department for Education and where the programme does not involve contact with children or vulnerable adults are not considered at the School of Education Criminal Convictions Panel but are considered at the University Criminal Convictions Panel.

Panel membership

* + Chair – Director of School (or nominee).
	+ Secretary.
	+ Programme Leader.
	+ Teaching staff.
	+ Admissions representative.
	+ Partnership or work-based learning representatives.
	+ Student Governance Adviser.

Quorum

* + Chair.
	+ Secretary.
	+ 3 members of teaching staff (including one that is not directly connected to the student’s programme of study.
	+ Partnership representative and/or admissions representative.
	+ 1 external professional representative.
	+ Student Governance Adviser.

Applicants and students on programmes exempt from the ROA must declare ALL unprotected criminal convictions.

The applicant will state on the application form if they have a criminal conviction(s).

The nature of the convictions will be investigated and if required a preliminary decision may be made by the Director of School. The decision and the appeals process will be communicated to the prospective student in writing.

Applicants may be accepted subject to satisfactory police checks; however, they will not be allowed on placement until satisfactory police checks are received and considered, unless they have the written permission of the relevant Head Teacher to do so.

During the decision-making process, the faculty’s Criminal Conviction Panel will refer to guidance and information including that is provided by the relevant regulatory or professional body.

When the School of Education Criminal Convictions Panel recommends to the Vice Chancellor that a student be expelled, they should also recommend whether this is with or without an award.

Appeals against the decision to expel will be considered by the University Criminal Convictions Appeals Panel.

# Appendix 8: Professional body suitability requirements and recommendations

Professional programmes are subject to suitability requirements and recommendations from professional bodies such as the General Pharmaceutical Council (GPhC), Nursing and Midwifery Council (NMC), The Health and Care Professions Council (HCPC), Social Work England and the Department for Education (DfE).

Such programmes require students to attend placements, which may involve working and contact with children and vulnerable adults. Specific programmes are professionally validated courses, which are subject to professional codes of conduct.

Programme providers have a responsibility to ensure that applicants meet the defined codes of conduct and requirements for entry to and continued maintenance on an approved programme leading to registration.

Programme providers are required to select students and make decisions with public protection in mind.

Applicants and students must demonstrate evidence of ‘good character’. Applicants and student’s criminal records are considered as part of the suitability requirements and evidence of ‘good character’.

A DBS or Disclosure Scotland check is a compulsory requirement as students may be working unsupervised with vulnerable client groups.

Students are required to notify the university and their placement provider if there are any additional convictions, charges or investigations that may impact on their ‘good character’ standing or calls their fitness to practise into question.

Students are required to conduct themselves in accordance with the professional body codes of conduct and are required as a professional to be personally accountable for their actions and to be open, honest, act with integrity and uphold the reputation of the profession.

Students and applicants should be aware that if accepted onto a pre-registration programme they are required to declare convictions on application for registration to the appropriate professional body.

LJMU operates within the professional body requirements when processing and considering applicants and students with criminal convictions.